



The attachment was a Rule 29 Stipulation dated September 25, 2017 that I had signed and stated: “Pursuant to Fed. R. Civ. P. 29 ... Monsarrat and ... Zaiger stipulate and agree ... [Monsarrat] may serve his responses to ... [Zaiger]’s ... Interrogatories and First Request for Production on or before Monday October 2, 2017.” But I never received from Zaiger’s counsel a countersigned stipulation.

3. Regarding the Rule 37(d)(2)(B) certification of defendant in counterclaim’s counsel, I attest that I did not decline to confer about Zaiger’s discovery on October 3, 6, or 23 2017. I attest further the parties scheduled a LR 7.1 conference for October 30, 2017 concerning Zaiger’s contemplated motion to dismiss Monsarrat’s Amended Complaint. After a discussion on that subject of the scheduled conference about the amended complaint, I refused Zaiger’s counsel unilateral insistence that we then confer on their 119 requests for production and start with Request number 1.

EXECUTED UNDER THE PENALTIES OF PERJURY THIS 23<sup>rd</sup> DAY OF JANUARY , 2017.

/s/Richard A. Goren  
Richard A. Goren

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), on January 23, 2018.

/s/ Richard A. Goren